

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 9083
Gary K. Michelson	)	
Serial No.: 10/736,866	)	Group Art Unit: 3732
Filed: December 16, 2003	)	Examiner: Eduardo Robert
For: BONE HEMI-LUMBAR INTERBODY	)	
SPINAL FUSION IMPLANT HAVING	)	
AN ASYMMETRICAL LEADING	)	
END AND METHOD OF	)	
INSTALLATION THEREOF	)	

RECEIVED

JUN 10 2005

OFFICE OF PETITIONS

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(C)(2)**

Applicant hereby petitions for the withdrawal of this application from issue. The issue fee for this case was paid on March 3, 2005.

The reason for the request for withdrawal from issue is to permit consideration of a Request for Continued Examination (RCE) in compliance with 37 CFR § 1.114.

The petition fee in the amount of \$130.00 (37 C.F.R. § 1.17(h)) is submitted herewith. If there are any additional fees due in connection with the filing of this Petition, please charge the fee to our Deposit Account 50-1068.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: June 9, 2005

By:

  
Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/736,866

Filed: December 16, 2003

For: BONE HEMI-LUMBAR INTERBODY SPINAL  
FUSION IMPLANT HAVING AN  
ASYMMETRICAL LEADING END AND  
METHOD OF INSTALLATION THEREOF

Confirmation No.: 9083

Art Unit: 3732

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Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Petition to Withdraw From Issue Under 37 C.F.R. § 1.313(c)(2), Request for Continued Examination (RCE), and Amendment in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*month extension of time to respond to the above office action.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO 1449 are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	58	-	30	26	LG=\$50 SM=\$25	\$50	\$ 1,300.00
INDEPENDENT CLAIMS FEE	3	-	3	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$ 0
TOTAL							\$ 1,300.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$2,220.00 to cover the \$130 Petition fee, \$790 RCE fee, and \$1,300 additional claims fee is to be charged to Deposit Account No. 50-1068.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

By: 

Amedeo F. Ferraro

Registration No. 37,129

Date: June 9, 2005

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